

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

KATOU, Kenichi et al.

Serial No.: 09/926,207

Filed: January 2, 2002

For: APPARATUS FOR MOVING BODY



RECEIVED

FEB 10 2004

TECHNOLOGY CENTER R3700

Group Art Unit: 3764

Examiner: Robert G. Santos

P.T.O. Confirmation No.: 6234

**RESPONSE TO THE RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

FEB 18 2004

Date: February 2, 2004

GROUP 3600

Sir:

This is in response to the Office Action of October 2, 2003, requiring restriction and election among several alleged inventions under the provisions of 35 USC § 121.

In the Action, the examiner made a restriction requirement between the inventions of **Group I** drawn to an apparatus for moving a body (claims 1-11); **Group II** drawn to a body adjusting method (claims 12-19); **Group III** drawn to a bed (claims 20-43); **Group IV** drawn to a bed driving method (claims 44-66); and **Group V** drawn to bed operating apparatus (claims 67-77).

Applicants hereby provisionally elect **Group IV, that is, claims 44-66**, for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Further in the Office Action, it was indicated that the application was directed to thirteen species of the invention. These species were Species 1 (Figs. 1-10), Species 2 (Fig. 11), Species 3 (Fig. 12), Species 4 (Fig. 13), Species 5 (Fig. 14), Species 6 (Fig. 15), Species 7 (Fig. 16), Species 8 (Figs. 17-18), Species 9 (Fig. 19), Species 10 (Fig. 20), Species 11 (Figs. 21-22), Species 12 (Figs. 23-24), and Species 13 (Fig. 25-41). The examiner further indicated that Groups I and II were deemed to correspond to Species 1 and 2; Groups III and IV were deemed to correspond to Species 3-9; and Group V was deemed to correspond to Species 13.

It was therefore required that applicants elect a single disclosed species for prosecution on the merits to which the claims shall be restricted in the event that no generic claim are allowed. It was further required that applicants state the claims which read on the elected species.

As mentioned above, applicants have elected Group IV (Claims 44-66) directed to a bed driving method. According to the position of the examiner, Group IV corresponds to Species 3-9 (Figs. 12-19). It is submitted that such a characterization is in error as Figures 12-19 are embodiments relating to the load sensor. Group IV relates to a bed driving method and does relate to a load sensor at all.

Applicants submit that the invention as claimed in Group IV is disclosed in the subject specification in connection with Figs. 5-10 and Fig. 25 which correspond to Species 1 and 13 identified by the examiner. In accordance with the request contained in the Action, Applicants elect **Species 1**, that is Figs. 1-10, and submit that claims 44-66 read thereon.

In the event that applicants are still required to elect a species from those set forth in the Action as grouped by the examiner, that is, Species 3-9 (Figs. 12-19), Applicants hereby provisionally elect **Species 8, that is, Figures 17 and 18**, for examination on the merits in this application. Applicants state that it would appear that the claims 44-66 read on the elected species. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected species.


Favorable consideration of the subject application is respectfully requested.

Serial No.: 09/926,207
OA dated 8/29/03
Resp. dated 2/2/04

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP



Donald W. Hanson
Attorney for Applicants
Reg. No. 27,133

Atty. Docket No. 011214
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930
DWH/nk



23850

PATENT TRADEMARK OFFICE